

HUMILIATING PROOFS SHOWING THE IGNORANCE OF THE EXTREMISTS

WRITTEN BY

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MAY ALLAH PROTECT HIM

AL-MUWAHIDEEN
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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

All Praise belongs to Allah, the Lord of all that exists, and the Prayers and peace be upon the seal of the Prophets and Messengers, our Prophet ﷺ and on his family and companions. To proceed:

At a time when an Islamic state does not exist, and there is a decrease in the scholars who are engaged in the matters of the fields of Jihad, and the battle has been killing the people of knowledge and its students in large numbers, the ignorant ones would take authority while their leadership follows them towards misguidance, and thus extremism appeared after it had been buried and began to move after it was stagnant and it has flourished after it was shunned. And its people have become strong and resistant and its callers at the doors of the hellfire have become numerous. They call to their misguidance and they deceive the people about their religion and they fight the people of the Sunnah for the sake of that (misguidance).

I wanted to shed light on some on (the misguidance) which these people have and show the position of the scholars in relation to their extremism in Takfeer¹ and to warn them from extremism and its various forms. And I ask Allah for guidance and help.

So I have written this letter as a refutation for the extremists of today who have made Takfeer on the Mujahid Islamic groups who are fighting to raise the word "There is none who deserves worship but Allah."

Sometimes they make Takfeer on them because they took weapons from the Kuffar and sometimes because they sat with them and other such false claims. And it is not (in reality) Kufr in those groups for which those (extremists) have made Takfeer on them, but they are blind fatwas and rulings which they have applied upon the events in Shaam with no understanding. Some who are known to be ascribed to knowledge and Jihad have begun to support this.

I am not here defending the secular groups who have announced that their flag is that of democracy and I also do not feign ignorance of the priorities of the Jihad in Al Sham today where the biggest enemy and the greatest harm is the Nusayris who are attacking the Muslims and are fighting as a proxy for the Jews and the Christians and for the international Thaghouti regime who are controlling the Muslim lands. And so repelling the Nusayris takes precedence over everything else. They are killing hundreds of Muslims every day with their barrel bombs and their criminal attacks. And while we are in this situation, the extremists are contributing a lot in hindering the repulsion of this

¹ Takfeer means to pass a verdict regarding an individual or a group that they are disbelievers and that they are outside the fold of Islam. It has to be done only by those qualified based on knowledge of the rules of Islam.

vicious attacker and they are causing the throne of Bashar to stabilise and remain and help preserve him and his filthy group. And this is something no fair observer of the situation in Al Sham would deny.

And Aleppo, especially the city was filled with Islamic groups and various other groups who were within the boundaries of Islam having both good and evil. And their goodness in fighting the kaffir regime is well known and commendable despite their transgression and their sins. They were a barrier in the face of the regime. And from amongst the recognized Islamic groups in Aleppo was Liwa At Tawheed who were covering nine tenths of the internal fronts of Aleppo and were actively participating in the localities and were always with Jabhat un Nusrah and Ahrar ash Sham and work was going on in the best possible way. There was no distinction in it and no breakup which would give the enemy an opening. However problems began when extremism began to put forth its tongue and transgress against the mujahideen with their astray fatwas, and their criminal sword was drawn on the face of the Mujahideen and released on the necks of those defending the Ummah. And the Kuffar and the Murtadeen (apostates) were forgotten and they took the Mujahideen as a battlefield to be headed towards. And so "this one is a transgressor" - as they said about Jabhat al Nusra before making Takfeer on them and "those are apostates and Sahawat".. And some of their foolish ones who are named "Shari's"² said that Shaykh Ayman Al Zawihari had fallen into Kufr and they made Takfeer on Shaykh Al Jawlani and this poor servant (referring to himself), in addition to Zahraan Aloosh and Al Hamawee and whoever was with them. And these people had already preceded in Kufr (according to these extremists) and they were now seen as forces of the Sahawaat³ and Murtadeen by these misguided people. And we seek refuge with Allah.

And this, all of it was Takfeer which had no reins (i.e. nothing to stop it) and no precautions and it was Takfeer over enmity and a politicized Takfeer and it was based on desires and benefits and are made by using suspicions and delusions as justifications.

May Allah have mercy on Al Shawkani who said: "Here words are being poured forth and Islam and its people are being lamented upon the misery caused by intolerance in religion towards the majority of the Muslims by accusing each other of Kufr, not based upon Sunnah or Quran nor a statement from Allah or an evidence, but rather when the boiling pot of intolerant partisanship in religion overflowed, and the accursed Shaitan was able to split the unity of the Muslims, he taught them to accuse each other with what resembled dust particles in air and a mirage in the desert (i.e. baseless accusations). So Oh Allah and Muslims! What a calamity is this which is amongst the greatest of

² A jurist who gives religious verdicts.

³ "Sahawat" also known as "Awakening groups" are a group of mercenaries who turned back on their religion after they got paid by the crusaders to fight against the Mujahideen. This was initially used as a tactic by the Americans in their war against Iraq when they managed to convince several tribes to rebel against the Mujahideen especially after they suffered a lot of injustice due to the mistakes of some of those who were with the Mujahideen. This shows the importance of not harming the Muslim population during Jihad otherwise the enemy can easily use the population and turn them against you.

calamities in religion and a disaster like of which no disaster has ever come across in the path of the believers! And you, if there remained a portion of intellect in you and a remainder of forethought about Allah the Almighty and a part of Islamic zeal, you would have known and so would everyone who has knowledge of this religion that the Prophet, prayers and peace be upon him, was asked about Islam and he said in a statement whose reality and clarification of its meaning would be, "It is establishing prayer, giving charity, doing Hajj towards the House (of Allah), fasting in Ramadan and testimony that no one deserves to be worshipped except Allah". And the hadiths by these meanings are too numerous. So whoever has come up with these five pillars and has truly performed them, then he is a Muslim regardless of whoever would object to that. And whoever has come up with a false statement and by pretended knowledge in opposition to this, rather by ignorance, then throw it back on his face and tell him, that this mental hysteria of yours has been superseded by the evidence of Muhammad bin Abdullah.

Abandon every statement when there comes the statement of Muhammad,

The one who is safe in his religion is not like he who is at peril.

What is astonishing is that the group "Dawla⁴/The State" (ISIS) makes Takfeer on the groups and then considers their blood and wealth as permissible to be targeted. Then when it has done that and made Takfeer on the individuals (of these groups); they use with them every method to exterminate them. Like how they used the Takfeer on these factions as a means to make Takfeer on Jabahat an Nusrah, because An Nusrah did not make Takfeer on these factions and they fought alongside them. And when An Nusrah repelled the aggressions of Jama'ath Al Dawlah (ISIS) and with them were Ahrar ash Sham and the Islamic Front, this Dawla group rejoiced with their corrupt beliefs and began spreading false verdicts that Al Nusrah had committed Kufr due to them allying with the Kuffar (meaning Ahrar and the Islamic front). Then they deceived their members and sent them to commit suicide with explosives and belts and bombs and they exploded themselves at the checkpoints of the Mujahideen in Deir Zour and Aleppo and Idlib and Raqqah and other places. And we are not surprised at this, because in the past they already had made Takfeer on our brothers in Al Nusrah and Ahrar in Raqqah and they killed their injured ones in the clinics and put to death their prisoners and they put booby

⁴ The term "Dawla group" or "Jama'athu Dawla" will henceforth be used to refer to the group and organization known as ISIS (Islamic State of Iraq and Syria) as this group known as ISIS refers to merely just a group of people who have named themselves as a "state" despite not possessing any qualifications or characteristics of a state.

traps in the headquarters of An Nusrah and Ahrar with the blessing of Al Banali⁵ and Al Hataab At Tunisi⁶.

And how true was Sheikh Hadooshi when he said "Al Hataab doesn't enter an arena (of Jihad) except that he corrupts it." And here are the tragedies of Algeria as if they have come back in a new chapter. And I advise the supporters of the Dawla group in Sham and its members to return to (and examine) what Sheikh Abu Mus'ab as Suri⁷ wrote in his testimony on the Algerian experience, as they must necessarily retreat their steps several steps backwards. And surely what the group Dawla (ISIS) is doing does not differ much from what happened in Algeria. And how similar are the two cases!

And how clear is this issue to the one who thinks, by purifying his heart from the pursuits of desires and from the prejudices of the soul! And you will see that the group ISIS is not supported by any known scholar or any leader from the leaders of Jihad other than those who have adopted their beliefs and their ways. Rather, all of the scholars and callers and the people of goodness and the leaders of Jihad were not pleased with the actions of the Jama'ath u Dawla (ISIS); prompting the general leadership of Tandheem Qaaeda thul Jihad (Al Qaeda) to claim their innocence from ISIS and their actions, after having shown great tolerance and a long patience. And this matter should have occurred before a long time, but it was a disavowal that came late and the excuse for the group Qaaedathul Jihad is clear because we know that many of the issues would previously not reach them like how it is reaching them these days in a clear manner and moreover the spread of the Jihadi media removed many of the doubts for the Ummah and the Mujahideen in the other fields of Jihad.

And due to that we advise our brothers in Iraq who have not left Jama'ath u Dawla, from amongst those whom we consider, and Allah is their judge, people of good intentions, to reconsider their way and as to where they are going. Where is that group going which is built upon corpses and watered with blood? And let not the sacrifices of these years go in

⁵ Turki Al Ban'ali is one of the leading Shari's (jurists) within the Dawla group. Besides not being known for having qualified knowledge, he was also recently exposed by Dr. Hani Siba'l who is a scholar and preacher in the UK, when he revealed how Turki Ban'ali used to contact him to gain his support for their group and tried to flatter him with false praises and words. Scholars have even pointed out his ignorance and warned against his false erroneous fatwas. This also shows how this group known as ISIS or Dawla has been striving very hard to get the support and approval from the well-known recognized scholars of Jihad since they are not supported by a single known scholar of Jihad throughout the world.

⁶ Another jurist in the ISIS group.

⁷ He is one of the leading strategists of Jihad today. He took part in the first uprising in Syria during the 1980s and later on travelled to Afghanistan and is now currently believed to be in the prisons of the Syrian government. He was mostly known for his wide experience in Jihad and his strong warnings against how the Takfeeris (extremists) are one of the biggest reasons for the failure of Jihad and how the governments have been able to use them for their benefit. He has many works and lectures regarding the issues of Jihad, amongst the most important ones being on the topic of the experience of Jihad in Algeria and how the Takfeeris sabotaged the Jihad that was nearly going to be victorious.

vein. And it is necessary to look at the leadership of Jama'ath u Dawla which has spared neither a companion nor a friend but has shown enmity to all the people. And look at the speeches of their official spokesman Adnani that most of the noble brothers know - who is he? What is his Manhaj and the meaning of his speech? The conclusion is that he considers all the people as Sahawaat and said that the followers of Dawla, their drink is blood and they live on massacres, and other such statements that normal human instinct would reject. And before that he said that the Ikhwaan⁸ (Muslim Brotherhood) are more evil than the secularists.

And here we ask a question- Do the general members of the Muslim Brotherhood according to you fall under the same judgment as the common secularists? And is the distance of the Ikhwan from the Shariah like the distance of the secularists? And is the one who seeks the Shariah and makes a mistake however astray he may be in that, like the one who throws the religion behind his back and elevates himself over the Lord of the worlds? These foolhardy declarations (of Adnani) would not come from a sane man, let alone from one who stands upright upon the Shariah.

And the imprisoned Sheikh Abu Muhammad Al Maqdisi responded to such reckless talk in his letter "*Al Insaaf Hullathul Ashraaf*" (*Fairness is the Garment of the Respectable*) and he said, may Allah Free him: ⁹

"Is the saying of the one who said after the disaster faced by the Ikhwaan in Egypt that "The Ikhwaan are more evil than the secularists and Murtadeen" just and fair? And is the one who makes these types of unchecked statements upon their normal members - if he doesn't fear Allah and correct himself - by proper statement, capable of being fair with the people and judging between them with justice if they took over authority while the people have amongst them the general public, the disobedient ones, those with mistakes and those who differ, and the rebellious ones and others who are more evil than the Ikhwan? Indeed whoever sees what the secularists of Egypt have done to the Muslim Brotherhood -towards their men and women, their old and young - and sees their enmity towards Islam even against its name, and their war on the Shariah, even on its symbols, will surely know that these kinds of unchecked statements and fiery declarations, are unjust statements and the one who issued them has not shown concern for the sanctities of these Muslims nor for their rights nor has he taken to consideration their afflicted ones and their tribulations that they are undergoing. And he has put on the same level the one who is at war with the religion of Allah and who does not honour either kinship or covenant with regard to a believer and between an obedient or a disobedient Muslim.

⁸ Ikhwaanul Muslimeen or "The Muslim Brotherhood" is a group founded by Hasan Al Banna in Egypt during the 1920s . It had a role in the propagation of the call for the return of the lost Islamic rule and government.

⁹ This book was written while Shaykh Al Maqdisi was imprisoned. At the time of the translation, he is free.

And this is neither justice nor the scales by which the heavens and the earth had been established. And let the entire world know that we do not make Takfeer on the Muslim Brotherhood, rather we see them as Muslims even if they differ with us in many issues, some of them being in Manhaaj (methodology) and others in Usool (fundamentals). And their followers and helpers and supporters are in thousands being on different levels. Amongst them are people of knowledge and also ignorant ones, and amongst them are the obedient (Muslims) and also rebellious ones, and amongst them there are the students of knowledge and there are those from the general Muslims. And from amongst them are those who have fallen into some of the nullifiers of Islam by ruling by other than what Allah sent down and participating in legislation, or swearing to respect the Kufr constitutions, or praising the man made laws and their judges and their courts. And from amongst them there are those who have committed none of these. And everyone is treated based on what he deserves.

And it is not allowed to exceed the boundaries of Allah when dealing with them by treating all of them in the way we treat the one who we see falling into some of the nullifiers (of Islam) as it would harm the innocent from amongst them by the offence of the perpetrator. And this is not justice in any way whatsoever, especially as they are not a fighting group nor withholding by using force, but they are a group that is being fought against for their Islam and their religion. And it is not allowed - and this situation is like that - to disobey Allah with regards to them even if they disobey Him while dealing with us. And we do not slander them even if some of them slander us and oppress us and describe us as terrorists and Takfeeris. We do not oppress them even if they oppress us, but we obey Allah in regards to them even if they disobey Him in regards to us. We deal with them in a way which is just and fair even if some of them oppress us and do not fear Allah in regards to us. This is how the mode of our movement should be and this should be the way of its sons and the manner of its leaders, Shaykhs and qualified people. And they, more than anyone else should be just to the people even while the people oppress them. And they are more deserving than others to be fair towards the people even if the people slander them. This is because the one who tastes oppression should be from the strongest of people in hating it and in fleeing from adopting it.

And whoever has tasted the bitterness of being slandered by his unjust adversaries and by the lying Kaafir regimes needs to be the furthest of people from the attribute of lying and slandering. And they should be the ones most hating these habits and the ones most eager for justice and fairness. This is how our religion is. And these are our character. We treat the people based on this and we do not treat them by following their mannerism.

And it is neither chivalry nor manhood to rejoice at the misfortune of those Muslims who oppose us, during their calamities and the overpowering of the enemies of Allah over them and them violating their sanctities. And the one who has shown enmity to them because of their Islam which they describe as moderate, he is more severe in his enmity

towards us and our Islam which he describes as extremist and strict and terrorist. And whoever from amongst the followers of this movement has fallen under the hands and the tongues of the enemies of Allah, will grasp what I am saying and know it very well. And indeed from the strongest bonds of Iman which we have studied and which we continue to teach and call to it is for the Muslims to support each based on the support he deserves, and based on his closeness to the religion and obedience, and that we differentiate between the Muslims and the criminals and that we distinguish between the people of Islam and the enemies of Islam. And even the disobedient and the corrupt ones amongst those affiliated to Islam are not treated unjustly by us nor do we cross the limits set by Allah in regards to them. And even the rebellious one from this religion has the right of support and assistance”.

- End of Maqdisi's statement.

And it is necessary for the supporters of Jama'ath u Dawla (ISIS) not to sanctify their group and declare groups other than it as misguided, and it is necessary for them to examine the speeches of the leaders of Al Qaeda and their fatwas and their statements and to compare them with the situation of the Jama'at Dawla and with their actions and their declarations. And no doubt they will find a great difference between them. And the one who observes, will see that there is no similarity between the Manhaj of Shaykh Athiyatullah and Abu Yahya and their leader Usamah (Bin Ladin) - and this is what has been written down in their analysis and their books and their speeches - and with that of the Manhaaj of the Dawla group but we have been tested with loving AlQaida by and large without looking at its methodology and their specific details. And due to this, a lot of these people thought that AlQaida has deviated while it has not deviated from the Manhaj of predecessors even a bit.

Similarly, it is necessary that they do not obey their leaders blindly as it is not allowed to obey the created by disobeying the Creator. So what about obedience to the one who orders you to kill the Mujahideen and to bomb their areas by explosives? Tell me by your Lord, who is it that has done what Dawla has done by its bombing of the areas of the Mujahideen and targeting them by explosives? Indeed, what the Dawla group has done by its actions and its immorality towards its adversaries has exceeded what Zuwabiri¹⁰ and Ameen had perpetrated in Algeria.

This history is a witness that no one has bombed the headquarters of Al Qaida except the accursed America and Jama'athu Dawla. So the actions of Jama'athu Dawla and their crimes have become similar to what the Kuffar have done to the Muslims by them

¹⁰ Zuwabiri and Ameen are two of the well known leaders of the Khawarij in Algeria who massacred many women and children during the 1990s. Refer to Sheikh Abu Hamza Al Misri's book "*Khawarij and Jihad*" for more details on the issue.

targeting the leaders of the Mujahideen and their headquarters, rather even their homes. And they had sent three suicide operatives to the house of the leader of Jabhat Al Nusra in Hasakah and one of them exploded himself and killed four of the best brothers. And then the other two surrendered and mentioned their complete story in front of the camera. And the reason for their surrender was because they had heard the screams of women and children while their leaders told them that there are no children or women or common people in this area. And crimes similar to these are many and beyond enumeration. And to Allah we belong and to Him is our return.

And we ask ourselves, how can these people who obey Jama'athu Dawla blindly carry out everything that their leaders order them to do by killing the Mujahideen and bombing their homes, how can they think that they will meet their Lord while He is pleased with them? How would He be pleased with them while they have violated sacred treaties and solemn covenants and disregarded the blood of the Muslims and the Mujahideen and bound a covenant for themselves to support their group without any guidance; rather they ally with those who ally with them and show enmity to those who show enmity to them and they do not look at their position and the position of their opponents in relation to the truth.

Indeed Sheikh ul Islam, Ibn Taymiyyah may Allah have mercy on him said in a statement in regards to the issues of treaties and covenants and coalition and alliance, "Whoever allies with a person because he supports those he has supported and shows enmity to those he has shown enmity to, he is from the same class as the Tartars fighting in the path of Shaytan, and the one who is like this is neither from the Mujahideen in the path of Allah nor from the Muslim soldiers. And it is not possible for people like these to be from the soldiers of the Muslims, rather they are from the soldiers of the Shaytan. But its best that he says to his student : "Upon you is the covenant of Allah and so support those who Allah and His Messenger have supported and have enmity to whomever Allah and His Messenger have enmity to and cooperate upon goodness and piety and do not cooperate upon sin and aggression. And if the truth is with me and I supported it and didn't support if it is falsehood, then whoever adheres to this is from the Mujahideen in the path of Allah who want the religion, all of it, to be for Allah and who want the word of Allah to be the most high" (*Majmoo' al Fataawa* 28/12-19)

So consider, may Allah rectify you, the statement of Shaykh ul Islam, may Allah have mercy upon him so that you may know over what matter have you given your pledge, and when should you listen and when should you refuse obedience. And fear Allah, brother Mujahid and do not be a supporter for the wrongdoers.

And how do you make Takfeer on a Mujahid who has come out to aid the religion, based only on false assumptions or doubts? Is this not similar to the obedience to the Rabbis and the monks when they permit what is prohibited and prohibit what is permitted? And

"judging a status is like judging the obligations arising from it."¹¹ And Takfeer is from the rights of Allah Almighty, and one is not made Takfeer upon except whom Allah has made Takfeer upon with certainty and we don't follow in this issue the minor students of knowledge, less so the general Muslims, without clarification and verification and removing doubts. So how then with the Takfeer on the Mujahideen groups! And those factions whom Jama'athu Dawla has made Takfeer upon; amongst them are people who have made Ta'weel (interpretation) of the texts (Quran and Sunnah), and who have made Ijtihad on statements regarding taking weapons or money (from the Kuffar). So by your Lord, answer me: where is the disbelief (Kufr) and apostasy in this? How is Takfeer made on them? And how can this Takfeer be made a basis for making Takfeer on other than them in a chain series using flimsy baseless justifications which has nothing of the rules of Takfeer in the Shareeah? Shaykh Abu Umar Abdul Hakeem Hassan said: "Surely from the serious grave issues which are Haram in the religion of Allah is to accuse a Muslim of Kufr without him deserving it. And surely the blood of the Muslim and his honour and his wealth is Haram, like the Messenger of Allah ﷺ said "Everything belonging to a Muslim is inviolable for a Muslim; his honour, his blood and property". And this is clear also in his statement ﷺ "Verily your blood and your wealth is inviolable", and the Prophet ﷺ explained the great danger in making Takfeer on a Muslim, in his statement ﷺ, "Cursing a believer is like killing him, and whoever accuses a believer of disbelief, then it is as if he has killed him."

And from Abdullah Ibn Masood in a Marfoo¹² Hadith, "There is not a Muslim except there is between him and Allah a curtain. And if one of you says to his companion "Depart!", then Allah will tear the curtain, and if he says "Oh Kafir", then surely one of them has disbelieved"

And he said "And engaging in Takfeer on Muslims without its justification has a lot of risks that one who wants safety should be cautious of. Amongst these risks are: Speaking about Allah without knowledge. And the basic ruling is that a person should not speak on a thing from the issues of the Shariah except with knowledge and fairness. And even though it is an order in general, it is in this topic most necessary. And just as a person is not allowed to confirm anything except with knowledge, he is also not allowed to deny a thing except with knowledge. And Allah said:

1. This is stated in Arabic as أحكام الوضع كأحكام التكليف (Ahkaamul Wad'e Ka Ahkaam e Thakleef) This is one of the principles of Usool which means that when a verdict is given regarding the status of a matter, it at the same time becomes the basis of the obligatory actions that are to be done based on it. In the above example, when a verdict of Takfeer is made on any person, it would mean that he can be killed and his property taken and so permissibility for these actions are implied from the Takfeer made on him. Hence the one who makes Takfeer must be cautious since he is in reality giving a verdict which makes a person's blood and wealth permissible.

¹² A Marfoo' Hadith is a report which has its complete chain of narrators all the way reaching the Prophet ﷺ.

قُلْ إِنَّمَا حَرَّمَ رَبِّي الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ وَالْإِثْمَ وَالْبَغْيَ بِغَيْرِ الْحَقِّ وَأَنْ تُشْرِكُوا بِاللَّهِ مَا لَمْ يُنَزَّلْ بِهِ سُلْطَانًا وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ

"Say (O Muhammad SAW): "(But) the things that my Lord has indeed forbidden are Al-Fawahish (shameful acts, unlawful sexual intercourse) whether committed openly or secretly, sins (of all kinds), transgression without right, joining partners (in worship) with Allah for which He has given no authority, and saying things about Allah that which you have no knowledge of." Surat Al A'raf 7:33

And Allah said:

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ ۚ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَٰئِكَ كَانَ عَنْهُ مَسْنُونًا

"And follow not (O men i.e., say not, or do not or witness not, etc.) that of which you have no knowledge. Verily! The hearing, and the sight, and the heart, of each of those you will be questioned (by Allah).Surat Al Isra 17:36

And that is, that Takfeer is an exclusive right of Allah alone and it should not be engaged in except with a Shariah proof sent down from Allah Almighty. And no one can engage in it except with Allah's permission. And our noble scholars have confirmed what we have said here"

Here ends in brief from his book *"Izamil Kalaam Fee Masaail al Iman Wal Kufr (Greatness of speaking in issues of Imaan and Kufr)"* and we will present here from what has come in his book regarding the texts of the scholars in the issue of Takfeer.

Abu Muhammad Ibn Hazm, may Allah have mercy on him, says. "We do not label in the Shariah by any name, except by what Allah has commanded us to name with or what Allah has permitted us by texts to name it, because we do not know what Allah wants from us except by revelation which comes from Him to us. And with this Allah Almighty has said rejecting the one that gave a name to a matter in the Shareeah without His permission:

إِنْ هِيَ إِلَّا أَسْمَاءٌ سَمَّيْتُمُوهَا أَنْتُمْ وَأَبَاؤُكُمْ مَا أَنْزَلَ اللَّهُ بِهَا مِنْ سُلْطَانٍ ۚ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَمَا تَهْوَى الْأَنْفُسُ ۚ وَلَقَدْ جَاءَهُمْ مِنْ رَبِّهِمُ الْهُدَىٰ
أَمْ لِلْإِنْسَانِ مَا تَمْنَىٰ

“They are but names which you have named, you and your fathers, for which Allah has sent down no authority. They follow but a guess and that which they themselves desire, whereas there has surely come to them the Guidance from their Lord! Or shall man have what he wishes?” Surat An Najm 53:23-24

And Allah says.

وَعَلَّمَ آدَمَ الْأَسْمَاءَ كُلَّهَا ثُمَّ عَرَضَهُمْ عَلَى الْمَلَائِكَةِ فَقَالَ أَنْبِئُونِي بِأَسْمَاءِ هَؤُلَاءِ إِنْ كُنْتُمْ صَادِقِينَ

قَالُوا سُبْحَانَكَ لَا عِلْمَ لَنَا إِلَّا مَا عَلَّمْتَنَا

"And He taught Adam all the names (of everything), then He showed them to the angels and said, "Tell Me the names of these if you are truthful."They (angels) said: "Glory be to You, we have no knowledge except what you have taught us". Surat Al Baqarah 31-32

And it is correct that naming is not allowed either by a king or a person other than Allah. And whoever opposed this has invented a lie about Allah Almighty and has opposed the Quran. So we do not call anyone a believer except whom Allah has called him a believer. And we do not denounce the belief (of a person) after its obligation, except for the one whom Allah has denounced (his belief)". (*Al Fasl Fil Milal Wal Ahwaa Wa Nihal*- 3 191)

And Al Qadi Iyaad, may Allah have mercy on him, under the chapter: "Examining the statements over making Takfeer on those who make Taweel (interpretations)", has transmitted from the scholars of research their statement - "It is necessary to have caution in making Takfeer on the people of Taweel (people who misunderstand a text), as permitting the blood of those who pray believing in Tawheed is dangerous. And the mistake in leaving a thousand Kaafir is less grave than the mistake in spilling a cup of a single Muslim's blood" from "*Shafaa Fee Huquqil Musthafa* (2/277)" by Qadi al Iyaad

And Al Ghazali may Allah have mercy on him, has a statement similar to this text in "*Faisal Al Thafriqa*" where he said, "And what is necessary is to have caution against Takfeer if there is a way. And surely treating as permissible the blood of those who pray and accept Tawheed is a mistake. And the mistake in leaving a thousand Kaafir in this life is lighter than the mistake in shedding the blood of a single Muslim" And Al Hafiz Ibn Hajr may Allah have mercy on him narrated from Qurtubi that he said in "*Al Mufham*", "The topic of Takfeer is a dangerous topic and for us to remain safe from it is the best". *Fath al Bari* 12 301

Ibn Al Wazeer may Allah have mercy upon him, after he mentioned the Hadiths which forbid Takfeer on a Muslim, said: "In all of that, there is what testifies to the correctness in being harsh against the Takfeer on a believer and removing him from Islam if he has testified to Tawheed and the Prophethood especially if he has established the pillars of Islam and avoided the major sins and there are signs of his truthfulness in his belief due to his mistake in an innovation from which the one who makes Takfeer on him may not himself be safe from what is similar to it or close to it. Indeed infallibility has gone up¹³ and due to a man's thinking good of himself, he would not be safe from that either intellectually or by the Shareeah. Rather the people of innovation are mostly very pleased with themselves and consider their innovation to be good"...until the ending of his valuable statement. [*Ar Raud Al Baasim Fee Zabb An Sunnah Abil Qasim* P.425]

Al Qadi Iyaad - may Allah have mercy on him - said: "Know, that making this judgement and removing the misconceptions in it are based on the Shareeah and there is no place for the mind in it" *As Shafa* 2/282

And Ibn Taymiyyah may Allah have mercy on him, said "Kufr is a Shariah ruling which is received from the owner of the Shariah (Allah) and the mind may be used to know the correct saying and the wrong one. And not everything which is a mistake in the mind is Kufr in the Shariah, just like how that which is correct in the mind need not be recognized by the Shariah (*Dar'eu Ta'arud Al Aql Wal Naql* 1/242)

And Ibn Taymiyyah said - may Allah have mercy on him - "And the one whose Islam is established with certainty, it does not depart from him based on doubts, rather it does not depart except after establishing the Hujjah (undisputable proofs) and removing the doubts. And if that has been become clear, then know that the issues of Takfeer and Tafseeq (declaring someone a fasiq, major sinner) are issues of labeling names and rules which are related to the promise (of Jannah, paradise) or threat (of the hellfire) in the hereafter. And they are related to loyalty and enmity and killing and protection (of blood, wealth and honour) and other than that in this worldly abode since Allah glory be to Him has made paradise compulsory for the believers and forbidden for the disbelievers. And this is from the fundamental rules in every time and place. (*Majmoo al Fataawa* 12/468)

And Ibn Taymiyyah also said: "A mistake in applying the name of Imaan is not like a mistake in (applying) an innovated name and not like the mistake in other names, as the rulings in this world and the hereafter are connected with the name of Imaan and Islam and Kufr and Nifaq (hypocrisy)" (*Majmoo al Fataawa* 7 395) and refer (13/58)

¹³ Infallibility is only for the Prophet ﷺ. And since he has passed away, then infallibility has also left and gone up along with him

And Muhammad bin Ibrahim ibn Al Wazeer - may Allah have mercy on him - said, "Indeed Takfeer is purely based on transmission (from the Quran & Sunnah) and the intellect has no place in it. And the evidence for the Kufr (of someone) is based only on clear transmission (from the Quran & Sunnah) and there is no dispute in that" (Summarised from *Al 'Awaasim wal Qawaasim* 4. 178-179)

And Shaykhul Islam Ibn Taymiyyah - may Allah have mercy on him- said, "The Khawarij¹⁴ make Takfeer on the community and similarly, the majority of the Mu'tazilah¹⁵ make Takfeer on whoever opposes them and like that similarly the majority of the Rafidaah¹⁶ (do the same). And whoever is not made Takfeer upon is declared a Fasiq. And similarly the people of desires innovate an opinion and they make Takfeer on whoever opposes them in it. And the Ahlu Sunnah follow the truth from their Lord with which the Messenger ﷺ came with and they do not make Takfeer on whoever opposes them, rather they are the most knowledgeable about the truth and the most merciful towards the creation like how Allah has described the Muslims in His statement

كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ

"You are the best of people ever raised up for mankind" (Surat Al Imraan 3:110).

And Abu Hurayrah said "You are the best of the people for the people " (*Minhaaj as Sunnah* 5/158)

And Ibn Al Qayyim -may Allah have mercy on him - has mentioned this meaning in his "*Nooniya*"¹⁷ and he said

"(Declaring) Kufr is the right of Allah and then His Messenger,

By the text it is established, not by the saying of so and so

¹⁴ The first innovative sect that arose during the period of Kha'if Ali, may Allah be pleased with him. They declared Ali and Mu'awiya as Kaafirs. The Prophet ﷺ has warned in several Hadiths about the emergence and that they are a sect that will continue to emerge till the time of Dajjal. They are known in history for declaring the Muslims as unbelievers unjustly and for killing those Muslims after unjustly accusing them of Kufr. One such Hadith also describes them as those who "kill the Muslims and leave the polytheists". Many of their major attributes can be found today in ISIS which all the known and trustworthy scholars have pointed out. For more proofs, refer to the book "*Reality of ISIS - Characterization of the organization and the true nature of its beliefs*" by Dr. Han Sibaa and Dr. Tariq Abdul Haleem

¹⁵ An innovative sect in the Islamic history that predominantly placed the mind and reason above the texts of the Quran and Sunnah.

¹⁶ Rafidha are an extreme Shi'a group who reject the status of the companions and declare them to be outside the fold of Islam

¹⁷ A famous poem composed by Ibn Al Qayyim Al Jawziyyah, may Allah have mercy on him

He whom the Lord of the worlds and His servant have called as a disbeliever,

It is he who is a Kaafir."

[As Shaafia Al Kaafiyah Fil Intisaar lil Firqat al Naajiyyah p 243]

And Imam Wahb ibn Munabbih, may Allah have mercy on him said, "By Allah, the Khawarij where never united as a group except that Allah divided them upon the evil of their conditions, and never did a single one of them put forth his statement except that Allah struck his neck And never did the Ummah unite upon a man from the Khawarij ever. And if Allah were to give power to the Khawarij with their opinion, the earth would be corrupted, and roads would be cut off and Hajj to the sacred house of Allah would be disrupted, and then the matter of Islam would return to Jahiliyah (ignorance) until the people would return to seeking refuge in the peaks of the mountains like was the situation during the time of Jahiliyyah. And if there were ten or twenty men (from the Khawarij) there would not be a single man except that he would claim for himself the Khilafah, and with every man from them there would be more than ten thousand, fighting against each other. And they would issue testimony of Kufr against each other until the believing man would fear for himself and his religion and his blood and his family and wealth. He would not know where he would be going towards and with whom he will be. But Allah by His wisdom, knowledge and mercy has taken care of this Ummah and looked after it well, and gathered them and united their hearts over a man who is not from the Khawarij. *(A letter of advice from Wahb ibn Munabbih to a man influenced by the Manhaj of the Khawarij, page 17)*

Allamah Shaykh Sulayman bin Sahmaan said "And from the signs of the person of Bid'ah (innovation) are harshness and coarseness and extremism in the religion and exceeding the boundaries in the commands and prohibitions and seeking what will cause suffering to the Ummah and bring them hardships and harass them and cause distress in the matter of their religion, and divide them and oppresses them in the issues of their religion. And also their Takfeer on them for sins and disobedience and other than that which is well known has been testified to and mentioned regarding the situation of the people of innovation" *[Minhaaj Ahlul Haq wal Ittibaaa fi Mukalafati ahlil Jahl wal Ibtida', page 26]*

Siddiq Hassan Khan, may Allah have mercy on him said: "Imam ash Shawkani said in *As Sayl al Jarraar* "Know that the ruling upon judging a Muslim man as having gone out of the religion of Islam and entering him into Kufr is not allowed for a Muslim who believes in Allah and the last day to do this except by evidence that is more clear than the sun in the day" *[Al Rawdat an Nadiyah, Sharh ad Durar al Bahiyah by Siddiq Hassan khan (p.291) and the full text can be found in As Sayl Al Jaraar by Ash Shawkani 4 578]*

And Ibn Hazm, may Allah have mercy on him said, "And whoever from the people of Islam makes an interpretation and is mistaken, and if the Hujjah (evidence) has not been made for him and the truth not clarified to him, then he is excused for this and is rewarded with one reward due to him seeking the truth and going for it, and he is forgiven for his mistake as he did not intend it, based on the statement of Allah Almighty,

وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ ۚ

"But there is no blame on you if you make a mistake therein: (what counts is) the intention of your hearts". (Surat al Ahzab 33:5)

Until Ibn Hazm said, "And if he opposed the truth rejecting Allah Almighty and His Messenger ﷺ then he is an apostate Kaafir whose blood and wealth has been permitted. There is no difference in this between the mistake in belief or in any other matter within the Shareeah and between the mistake in passing a verdict in any matter as we have clarified before". (*Al Fasl Fil Milal Wa Nihal* (4/24), and refer *Al Fasl* (4/25,105), *Al Ihkaam* (5/117,118)

And Abul Ma'ali went towards (he was asked to agree on a matter regarding Takfeer) giving excuse, because a mistake in that is difficult, since including a Kaafir inside the Muslim community or excluding a Muslim out of it is a serious matter in the religion. Qadi Iyaad has mentioned that and then said, "The people other than them (i.e. other than Al Ash'ari and Al Juwayni) who have examined it have said that what is necessary is to have caution in Takfeer over the people of desires. Indeed permitting the blood of the monotheists is dangerous. And the mistake in leaving a thousand Kaafir is lighter than the mistake in spilling a cup of blood of a single Muslim. Indeed he ﷺ has said, "If they say it, i.e. the Shahadah (testimony), then they save from me their blood and their wealth except for its rights and their account will be by Allah". So protection has been guaranteed by the Shahadah and it does not go away and become permissible except by an undisputable evidence". From *Sharh Shafaa* by Qaadi Iyaad (2. 500-501).

And Ibn Taymiyyah may Allah have mercy on him said, "Indeed the one who makes interpretations aiming to follow the messenger ﷺ, is not made Takfeer upon, nor is he called a Faasiq¹⁸, if he made an Ijtihad and fell into a mistake. And this is well known by the people regarding the issues related to actions. As for the issues related to beliefs, a lot of people have made Takfeer on the one who makes a mistake in them. And this statement is not known amongst any of the companions nor those following them with righteousness, nor from amongst any of the Imams of the Muslims. Indeed it is originally only from the statements of the people of Bida'a who innovate an innovation and make

¹⁸ The term "Faasiq" refers to a major sinner who has violated the commandments of Allah

Takfeer on those who oppose them like the Khawarij and the Mu'tazilah and the Jahmiyyah.¹⁹ And that influenced many of the followers of the Imams like some of the companions of Malik and Shafi' and Ahmed and others. (*Minhaju Sunnah An Nabawiyyah* 5/239-240)

And Abdul Latheef ibn Abdul Rahman Aal Sheikh may Allah have mercy on him said, "Showing courage in making Takfeer on the one who is apparently a Muslim, with no Shareeah authority or a satisfactory evidence goes against what the Imams of knowledge from the Ahlu Sunnah Wal Jama'ah are upon. And this path is the path of the people of innovation and misguidance. (*Ar Rasaail al Mufeedah*, p.33, refer to the statement of Sheikh Abdullah bin Muhammad bin Abdul Wahhab may Allah have mercy on him in *Ad Durar Saniyyah* 8/217)

And Abdullah Aba Bathin, may Allah have mercy on him, said, "In summary, the one who has counseled himself should not speak in this matter except with knowledge and evidence from Allah. And let him beware of removing a man from Islam merely based on his understanding and what his intellect finds to be right. Indeed removing a man from Islam or entering him into it is the greatest issue in religion. We have given sufficient clarification for this issue like others, rather its judgement on the whole is amongst the most important judgements in religion. So it is incumbent on us to be followers and avoid innovating like what Ibn Mas'ud may Allah be pleased with him said, "Follow and do not innovate, for what you have is sufficient". And also for those matters in which there is a dispute amongst the scholars over it being a Kufr, then safety for the religion is in abstaining and in not getting engaged in it as long as there is no clear statement from the one who is infallible (ie. the Prophet ﷺ). Indeed Shaitan has caused most people to slip in this matter and so they refrained (from making Takfeer) over a group and judged them to be upon Islam while the texts of the book (Quran) and the Sunnah and the consensus have confirmed their Kufr. And they transgressed against others and declared them to be disbelievers while the Book and the Sunnah and the consensus have stated them to be Muslims. And what is surprising is that if one of these people were asked about the rulings of Thahaarah (purification) or sale transaction and such, he would not state a verdict merely based on his understanding or what his mind finds to be right, rather he would search for the statements of the scholars and judge based on what they have stated. So how can he rely merely on his understanding and his opinion for this great matter which is the greatest matter in religion and the most serious? So what a big calamity are these two groups for Islam and its trial in these two misfortunes! And we ask you, Oh Allah., that you guide us to the straight path; the path of those upon whom You have

¹⁹ Jahm yya refers to early innovative sect who rejected many of Allah's names and attributes. They use their minds to misinterpret many of the essential creeds of Islam and reject what has been agreed upon by Ahlu Sunnah with regards to Aqeeda or fundamental beliefs. Some of the past scholars consider Jahmiya to be outside the fold of Islam

bestowed favor, not of those who have evoked [Your] anger or of those who are astray. And may blessings of Allah be upon Muhammad" (*Ad Durar Saniyyah* 8/217)

And Mulla Ali Al Qari - may Allah have mercy on him - said: "And our scholars have said, "If you find ninety nine reasons to make Takfeer on a Muslim and you find a single reason to keep him in Islam then the Mufti²⁰ and the judge should work based on that one reason and this is implied from his saying عليه السلام "Avoid the legal penalties over the Muslims as much as possible. If you find a way out for a Muslim then let him go, for the Imam making a mistake in forgiving is better than him making mistake in punishment." Reported by At Tirmidhi and other than him and Al Haakim said it is Saheeh [*Sharh al Shafa* by Mulla Ali al Qari 2/502]

And after this introduction, we will cite the sayings of the scholars regarding one who fights under a banner of Kufr²¹ in order to repel the Kuffar and this is an even greater evidence against Takfeer on the one who fights under a Sunni banner or an Islamic one in which there is a deficiency. And these people make Takfeer on the ones who fight under these banners merely based on doubts and assumptions and that which cannot be based upon even for issuing the smallest of Shareeah rulings, so how about that which is for even greater rulings? Like making Takfeer based upon the news from the Kuffar or the immoral ones and like the Takfeer based on news in the newspapers of the Kuffar, rather making Takfeer on nations based on a statement of a Christian official who said that they had cooperated with them. And Allah has spoken the truth:

وَفِيكُمْ سَمَاعُونَ لَهُمْ

"And among you are avid listeners to them". (Surat at Tawba 9:47)

If only this unconfirmed matter would in reality have been a Kufr! But they are after all doubts and issues of assumptions; And is merely sitting with the Kuffar something which is considered a nullifier of Islam? And is merely having communication with the Kuffar a nullifier of Islam? Surely this is an astounding thing.

And if we were to assume that a skilled disbeliever offered a service to a Muslim, then is that Muslim considered a deviant or having diluted his beliefs? Is everyone to whom the Kuffar give weapons considered a Kaafir?

²⁰ Mufti is the one who is in authority to issue legal religious verdicts.

²¹ It is a banner that disbelieves in Allah and His messenger and refuses to acknowledge His Shareeah.

Where are those so called small Faqihs when it comes to the protection granted by Mut'im bin Adi' to the Messenger of Allah ﷺ in the Ka'ba and he made him perform his prayers while he was guarding him; does this contain a danger in the Shareeah?

Rather the Messenger of Allah ﷺ mentioned his goodness, and said that were he to ask for the release of the most valiant prisoners of the Quraish, he would have carried it out for him.., until he said, "May my mother and father be a ransom for him. If Al Muti'm was alive and spoke to me regarding these rotten ones, I would have surely left them for him". So look at that pure soul and this great gratitude from the best of humanity who did not forget the kindness of the Kaafir, and so he wanted to pay him back for his good deeds. So what will the lowly Faqihs say regarding this?

These people by using the term "Muzahara" (referring to aiding the Kuffar against the Muslims) on which there is agreement that the one who does so is made Takfeer upon - make Takfeer on the one who falls into Muwalaat (friendship). And the one who deals with them in a way that is differed upon, or the one who deals with them in a way which is allowed, all of this to them is considered as Muzahara and Kufr and the evidence they use is:

وَمَنْ يَتَوَلَّهُمْ مِّنْكُمْ فَإِنَّهُ مِنْهُمْ

**"And whoever is an ally to them among you - then indeed, he is [one] of them."
(Surat al Maidah 5:51)**

And for that they use the words of the Ulaama regarding the one who aids the Kuffar (as in Muzahara).

All that ISIS is doing is due to improper understanding that has lead to huge mistakes and pitfalls in the path. And this is the way of Allah for the one who leaves the people of knowledge and goes to those small ones who have no knowledge and no understanding and have done no study and have no insight. So look at the fatwas of the scholars who are firmly grounded in the religion who allow fighting under a Kufr banner against the Kuffar with the condition that there is a Shareeah benefit.

And here is for you the Fatwa of Shaykh (Sulaiman) Al Ulwaan and the statements of the scholars on this issue. And will there be anyone who will pay heed?

The Shaykh, the Allamah, the Muhaddith, Sulaiman bin Naasir al Ulwaan - may Allah free him and kill the one who imprisoned him - said:

"And there is in it another issue and a matter which is very important which we are in need of in our contemporary world and in an age in which the ruling chair is in the hands of the undeserving, and in the shade of this vicious campaign against the Muslim

countries - and that is the ruling regarding fighting under the banner of the Kaafir ruler. And that states that, if there does not exist a Shariah banner which is capable of subduing the enemy, then there is no harm in fighting under the banner of that Kaafir ruler, especially if there is in that common public interest and if the major harm will be averted. And this is what the clear Shariah evidences indicate along with the Usooli (juristic) principles and the rules of Fiqh. And it is not correct as per the Shareeah to prevent it based on the Hadeeth "Whoever fights under a banner of ignorance...." (narrated by Muslim in his *Saheeh* (1848) on the authority of Abu Hurayrah, may Allah be pleased with him). The banner that is of ignorance is the one in which the truth does not stand out clearly from falsehood or it is for ignorant partisanship and corrupted factors and over colour and race and dubious matters.

And how many destructive wars, furious battles and storms of trials have these ill fated banners caused..¹ And it is this banner that is Haram to join and fight under. It is a banner that is not concerned about the religion and does not give any value to its ties. And the meaning may be clear from the Hadeeth when the Messenger of Allah ﷺ said: "One who fights under a banner of ignorance, having anger for the sake of his group, making calls for his group or supporting his group, and gets killed, then his death is that of one belonging to (the days of) Jahiliyya"²² And An Nawawi- may Allah have mercy on him - said in his explanation of Saheeh Muslim: "(Ignorance i.e. *Amiyyah*) means the blind matter whose purpose is not clear and this is what Ahmad bin Hanbal and the majority of the scholars) have stated". So whoever fights under the banner of a leader and his fighting is done in support of the leader or to enforce his authority and increase his wealth, then this fighting is haram, haram and this is the dispraised ignorance (Jaahiliya).

As for those who fight the Kuffar - with the intention of defending their religion and their countries - under the banner of a Kafir regime, then they do not come under this. And the intention of those who fight is taken into consideration in this matter. And the people of knowledge do not stipulate conditions for the defensive Jihad and it is not necessary to have a Shariah banner. So they (the Kaafir enemy) are repelled in accordance with the power and capability. And those who are capable of fighting under a Shariah banner and are able to do this without causing excessive hardship, then this is what is obligatory in terms of the Shareeah. And those who are incapable of that but are able to confront individually, and as groups without a specific banner, then these people have done what is correct. And those who are incapable of either of these things, and are not capable of a real confrontation against the enemies except by entering into training centres of the

²² This Hadiths shows that the prohibited form of fighting under the banner of Kufr is when it is conducted in the manner as described in the Hadith, i.e. to have anger for the "sake" of the group and support it without looking at the benefits in terms of the Shareeah while fighting under that banner

regime and fighting under their banner, then there is no harm in that as they fight for numerous issues and various benefits, the most important of which and the first one is

1. Defending the Muslims and their lands.
2. Repelling the crusader enemies or reducing the size of their forces or preventing them from increasing.
3. Removing the prevailing harm. The Fuqahaa and Usulieen²³ do not disagree that one can do what is a small evil to repel a great evil.

And Shaykh Al Ulwaan also said, "Rather I would go further than that, and that there is no harm in aiding a Kaafir state and a Kaafir people over another Kaafir state if there is a benefit for Islam and the Muslims in that."

I say: Subhanallah! Look at the understanding of this devoted scholar who has understood the objective of the Shariah and combined Fiqh and Hadeeth. These are the scholars of the Muslims. Compare this to the smallness and narrowness of those faraway lands of those who are wandering there and the lack of knowledge of those pretending to be knowledgeable.

Shaykh Al Ulwaan says' And the story of the truthful one, Abu Bakr - may Allah be pleased with him - is the best evidence for this issue. He - may Allah be pleased with him - had a bet with the Mushrikeen that the Romans would be victorious against the Persians and this story is recorded in Tirmidhi in his Jamī' (3193) from Ishaq al Fazari from Sufyan at Thawri, from Habeeb Ibn Abi Amrah from Saeed Ibn Jubair, from Ibn Abbas regarding the statement of Allah:

الْمُ غَلِبَتِ الرُّومُ فِي أَدْنَى الْأَرْضِ

"Alif Lam Mim. The Romans have been defeated. In the nearest land (Surat Ar Rum:1-3)"

He said: "Ghulibat wa Ghalabat (defeated and then victorious)." He said: "The idolaters wanted the Persians to be victorious over the Romans because they too were people who worshipped idols, while the Muslims wanted the Romans to be victorious over the Persians because they were people of the book. This was mentioned to Abu Bakr, so Abu Bakr mentioned that to the Messenger of Allah (ﷺ) and he said: "They will certainly prevail." Abu Bakr mentioned that to them, and they said: "Fix a time period between us and you; if we win, we shall get this and that, and if you win, you shall get this or that."

²³ Usulieen is the plural of Usuli and that is the scholar who is well versed in the fundamental principles of Islamic jurisprudence

He made the term five years, but they (the Romans) were not victorious. They mentioned that to the Prophet (ﷺ) and he said: "Why did you not make it less (than)" - he (one of the narrators said): I think he said: "ten". He said: Sa'eed said: "Al-Bid' ²⁴ is what is less than ten" - He said: "Afterwards the Romans became victorious." He said: "That is what Allah the Most High has said:

الم غُلِبَتِ الرُّومُ

'Alif Lam Mim. The Romans have been defeated' (Surat ar Rum 30:1-2)

up to His saying:

وَيَوْمَئِذٍ يَفْرَحُ الْمُؤْمِنُونَ بِنَصْرِ اللَّهِ يَنْصُرُ مَنْ يَشَاءُ

'And on that day, the believers will rejoice - with the help of Allah. He helps whom He wills' (Surat Ar Rum:5-6)

Sufyan said: "I heard that they were victorious over them on the day of (the battle of) Badr."

Abu Eesa (At Tirmidhi) said that this Hadeeth is Hassan Saheeh Ghareeb ²⁵, we only know it from the Hadeeth of Sufyan at Thawri from Habeeb bin Abi Amrah.

And this narration is an evidence for the permission to assist a Kaafir against another Kaafir, whether that assistance is through joy and support as mentioned in this narration or by financial and physical assistance as long as there is a greater benefit for Islam and the Muslims by it. And regarding this benefit, one should look for the people who are knowledgeable about the Shariah and the people of piety and Taqwa (fear of God) and should not enquire regarding this issue from the one who sells the verses of Allah for a small price and who has made fatwa to be in accordance with requests, and personal interests and political aims.

And Abu Hanifah - may Allah have mercy on him - said "Seek aid from them and support them when the rule of Islam is predominant upon them. And if the rule of Shirk is dominant then it is disliked - and others said it's not disliked. And there is no problem for the one who fights together with them and under their banner for a greater benefit. And if he intends when he fights to defeat the Kuffar and break their lines, then he is rewarded for that and if he dies, he is a Shaheed (martyr).

²⁴ The word mentioned in that verse in Surah Rum specifying the period after which the Romans would be victorious

²⁵ This is type of authentic hadith which is not widespread and is not of the same level of authenticity as those authentic Hadiths that have several different reporters and supporting narrations

And Shafi'i said in Al Umm (4:242): "If a group of Muslims become prisoners and the Mushrikeen asked them for help against other similar Mushrikeen, for fighting against them, then it is said that they are allowed to fight them and it is said that Zubayr and his companions in Bilad al Habashah (Abyssinia) fought on behalf of Mushrikeen against Mushrikeen.

And whoever stated this have said: "What has been forbidden with regards to fighting them and the blood of those who they fight as well as their money are permitted because of (their) Shirk".

And if anyone says that their fight is forbidden due to the following reasons:

That it is obligatory on the Muslim who is dominant over the Mushrikeen and has received booty, to divide one fifth of the booty as per the Shareeah to those entitled to it who are dispersed throughout the lands. And he does not find any way to give it to the Imam for distributing it. And it is compulsory on them if they fight the people of the book and they give the Jizya ²⁶, to preserve their blood. As for him, then he is unable to protect their blood if they give the Jizya. And it would be more beloved to me that they do not fight them if they were not compelled to it. And we do not know that the narration regarding Zubayr is confirmed or not and even if it is confirmed, then the Najashi was a Muslim and had believed in the Messenger, ﷺ. And prayers and peace of Allah be on the Prophet

And in *Masaailil Imam Ahmed* by Abu Dawood (248-249), there is, "I said to Ahmed: "If an enemy comes upon the people of Constantine and the king said to the prisoners, "Go out and fight and I will grant you such and such"?

He said: "If he said I will release you, then there is no problem as they may get saved."

He said- "I told, "If he said, "I will grant you and do good to you", can they fight alongside him?"

He said, "The Messenger of Allah, ﷺ said, "The one who fights to raise the word of Allah". I don't know".

And may Allah have mercy on him. His statement "I don't know" is because of the clash between benefits and harms. And the rules in this topic are clear and plain. And what remains is in comparing the benefits and the harms for applying them to the scenario.

And the matters when they are applied always require evaluation, separation and study in order to decide which one is better and how to gain benefits and repel the harms and to

²⁶ It is a tax paid by the non Muslims to the authority of the Islamic state which guarantees their protection

distinguish between the different benefits as to which is the better one. Imam Ahmed, may Allah have mercy on him, had issued permission to fight alongside the Kuffar and under their banner for the release of the prisoner since he may get saved or he may die and the reason for the permission here is for achieving the benefits. And he, may Allah have mercy on him, was uncertain in the judgement regarding fighting alongside the Kuffar if the intent was for worldly gains or to achieve nobility. And some of the scholars have permitted this for raising the word of Allah, and to cause damage to the Kuffar, and destroy their strength and to spread terror amongst their ranks.

And Muhammad ibn Al Hassan, may Allah have mercy on him, said as mentioned in *Sharh Al Sayr* (4.1515), "The Muslims must not fight against the people of Shirk alongside the people of Shirk since both these groups are the party of Shaitan and the party of Shaitan are the ones who will be the losers. So no Muslim should join any one of those two groups to increase their numbers and fight defending them. This is because the authority of Shirk is what prevails. The Muslim only fights to give victory to the truth and not to make the rule of Shirk dominant.." until he may Allah have mercy on him said, "And if the people at war said to the prisoners with them "Fight together with us against our polytheist enemies" and they do not fear for themselves for what may happen if they refuse, then in that case they must not fight alongside them because in this fight there is what causes Shirk to dominate. So the fighter would be putting himself to risk and so there is no permission for that except if the intention is to strengthen the religion or to defend himself. And if they fear from them over their lives, then there is no harm if they fight alongside them because they are now repelling the evil of getting themselves killed. This is because they are given safety under their hands but they may not be safe under the hands of the others if they fall captive to them. So it is permissible for them to fight to defend themselves.

And if they say to them, "Fight along with us against our enemies who are Mushrikeen, or else we will kill you", then there is no sin in fighting against them. Because they are also now repelling the evil of getting themselves killed. And killing those Mushriks is permissible and there is no sin in heading towards an action that is permissible when it is necessary due to compulsion. And it may even be obligatory just like eating the dead meat and drinking alcohol (in times of necessity).

And if they threaten them to stand amongst their rows but they do not fight the Muslims, then they have an option in regards to that because they do not do anything to the Muslims. And this is not categorized as a sin, and the maximum that is there is that they have increased the Mushrikeen in numbers in the eyes of the Muslims, and that is similar to one destroying the property of the Muslims under a threat.

And if they said to them, "Fight with us against our enemies from other Ahlul Harb (people at war in Islam) and we will let you go free after our war ends", and if they felt in

their hearts that they were sincere, then there is no harm in fighting alongside them. This is because they are by this freeing themselves from imprisonment.

And Al Sarkhasi al Hanafi, may Allah have mercy upon him - said in '*Al Mabsoot* (10/98)', "If there is a group of Muslims who have sought shelter in Daar ul Harb²⁷ and that land is attacked by a people who are from another Daar ul Harb, then it is not permissible for those Muslims to fight them, because by fighting, the person gets exposed (to being killed or captured) and that is not permissible except to raise the word of Allah and strengthen the religion and that is not present in this situation, because the rule of the people of Shirk dominates over them and the Muslims are not able to govern by the rules of the people of Islam. So their fight would be in the way of raising the word of Shirk and that is not allowed except if they fear for themselves from those (Mushriks) In such a situation, there would be no problem because their fighting would be to protect themselves, not to raise the word of Shirk. And the basis for this is the incident of Ja'far, may Allah be pleased with him, as he fought in Habashah (Abyssinia) against the enemies who attacked Najashi, and he only did that because he and the Muslims at that time were safe under the Najashi and he feared for himself and the Muslims from other than the Najashi, and so we know that there is no harm in doing this during fear".

And Ibn Hubeerah said in *Al Ifsaah* (2 438), "They differed regarding can help can be sought from the Mushriks to fight against the enemy at war, or can they (the Mushriks) be granted assistance against their enemy? Malik and Ahmad said "They should neither be requested for help nor should help be given to them at all". And Malik made an exception: "If it serves the Muslims, then it is allowed." And Abu Haneefa said, "They can be asked for help and they can be given assistance absolutely when Islam is dominant over them". And if the rule of shirk is what is dominant, then it is disliked. And Ash Shafi'i said that that is allowed with two conditions, the first of them being that the Muslims are few and the Mushrikeen are many, and the second that the Mushrikeen are known to have good opinion about Islam and they are inclined towards it and if they are asked for help they will obey them but they will not be granted any share (in the booty). However, Ahmed in one of his two statements said that they are given a share.

²⁷ Daar ul Harb which means 'The land of war' is the land which does not rule by the laws of the Islamic Shareeah. The majority of the scholars have classified a land which does not rule by the laws of Islam as Daar ul Harb or as "the land of war" in which the life and wealth of a disbeliever is unprotected and is not sanctified by the Shareeah. The only case in which the disbelievers of Daar ul Harb are granted protection is when there is a treaty between the Muslims and the disbelievers of Daar ul Harb. In contrast to this is Daarul Islam which means 'the land of Islam' where the laws of Allah are fully implemented. In Daarul Islam, the life and wealth of the disbeliever is protected when they pay the Jizya and abide by the rules of the state or is under a treaty. Based on the above, we can see that the entire planet has become Daarul Harb irrespective of the number of Muslims in any land or the number of mosques found there since none of these lands are being ruled by the Shareeah and they are all in the hands of the enemies of Islam.

And Al Jassas al Hanafi said in *Mukhtasar Ikhtilaaf Al Fuqahaa lil Imam al-Tahaawi* (3 454). Our companions have said, regarding the Muslim who seeks asylum and fights alongside the Mushrikeen, "One must not fight alongside the people of shirk, because the authority of shirk is what dominates, and this is the view of Malik. And Sufyan Al Thawri said, "They may fight with them". And Al Awzaa'i said: "They are not to fight except by making a condition that in case they win, they will be returned back to Daarul Islam ²⁸". And al-Shafi'i has two sayings.

And in *Al Fataawa Al Kubra Al Fiqhiyah* (2/25) - Ibn Hajar Al Haythami, may Allah have mercy upon him said: "He was asked, may Allah cause benefits through him, regarding the Muslim when he is present in a war that is between disbelievers of Daarul Harb, like the disbelievers of Malabar, and the one who participates in the war travels for a distance of two Farsakhs (around 10 km) and prepares stock of food for it and stays there during their battle and becomes pleased at their killing and at them striking each other. So does the Muslim become a sinner by him witnessing it and by his presence that causes their numbers to increase, even if there was no any necessity for it? And speaking against one group and supporting another group and encouraging them to attack each other whilst he is in danger and he may be struck by their arrows or get injured or killed? Or is there no sin in it?

And if the Muslims supported one of the two disbelieving groups in their wars and fought alongside them against the other without necessity or need until they kill or are killed in the war, then is this allowed or not? And is the Muslim rewarded for that due to his killing of the Kaafir or due to him getting killed? And is he treated like a martyr by not washing him and offering prayers over him? And the Muslim may be going out to help them due to the kings of their Kaafir lands requesting them to go out with them for that. So how is the verdict regarding that? And is there a difference between him going out by their kings' request or not?

And he answered by his statement, "The presence of a Muslim in a war between two groups of Ahlul Harb ²⁹ if he is there with the intention to learn courage from it and the tactics of fighting and strength of mental prowess by observing it or for the sake of rejoicing when one of the people of Ahlul Harb dies, so that the word of Allah may rise high when their strength weakens and they become few in numbers, or with any other correct intention, then it is permissible and is not in any way harmful, regardless of the place of the battle, whether it is far or near. And that is not considered as increasing their numbers. Indeed increasing them is only said regarding the one who gives allegiance and

²⁸ See the previous note for the meaning of Daarul Islam

²⁹ Ahlul Harb refers to the disbelievers of Daarul Harb and hence are categorized amongst people who are at war with Islam

aid. As for the one who is present there hoping for their demise and their annihilation till the last one of them and waiting for a calamity to strike them, then he is not increasing their numbers, but rather he is from those who are fighting against them secretly.

And similarly, there is also no harm in inciting them against each other, because bringing about the killing of a Harbī (a disbeliever without a covenant or treaty) is permissible, rather it is something beloved, by whichever way it is brought about. All of this may be done only if he is sure that his safety or his getting killed happens after causing them damage.

But if he thinks that his mere presence there will lead to his killing and such without him causing any damage to the enemy, then his presence at that time is very much condemned and a mistake. So let him refrain from that. And if he helped a Muslim or increased the number of any of the two groups and he gets killed by one of the disbelievers during the battle, then he is a martyr and is not washed nor prayed upon and he will have a reward. That is, a reward if he has fought for the word of Allah to rise. And there is no difference in all of that between the one who went out himself and the one who went out due to the request of his king without being compelled”.

And he was also asked (4/222): "Is it permissible for the Muslims to be present in wars that are fought between the disbelievers for the sake of watching and viewing or not permissible? As it increases their numbers and helps them in their oppression and makes one group look good and another look bad, with the presence of danger as sometimes their arrows might hit the ones who are watching, and our Sheikhs from the people of Malabar used to prevent the Muslims from attending their battles? And is it permissible for the Muslims to fight alongside one of the two groups of disbelievers so he kills or gets killed without there being any need for that? And will he be rewarded because he either kills a disbeliever or gets killed by a disbeliever, and is he to be treated like a martyr?"

So he replied by his statement, may Allah glory be to Him Most High have mercy on him: "If there occurred a battle between two groups of disbelievers of Daarul Harb, it is not forbidden to be in that battle because both the groups' blood have no value. So their mutual killing is an appropriate thing. And the one who views the mutual killing between them has not undertaken any sin by him being present in the battle. Yes, if he fears that harm may come to him by being present, then it is prohibited for him.

Perhaps the reason for which those scholars have prohibited going to the battle, is due to that. And the Muslims may fight both the groups, and if they fight one of them, it is not with the intention of making the other group victorious, rather with the intention of raising the word of Islam high and to cause damage to the enemies of Allah. And whoever does that with this intention, then he attains the reward of a Mujahid based on his statement, صلى الله عليه وسلم, in the narration of Bukhari and others, "Whoever fights so that the

word of Allah becomes the most high, then he is in the path of Allah". And there is no doubt that one who fights against one of the two groups with that intention, then he becomes like that until when he gets killed in the battle or he falls down and his condition becomes like the one who has been slaughtered or he does not have a life remaining, then he is treated as a martyr in this world and the hereafter. So he is not washed nor prayed upon. Yes, this is with the condition that the one who intends to fight knows that he will be able to cause some type of damage to them. But if he knows that by merely going to the battle they will rush to kill him without him causing any damage to them, then it is not permissible for him at that time to fight them, because he is killing himself without any benefit at all, and he will have the sin of the one who kills himself (i.e. suicide). And Allah knows best.

And the sayings of the Imams and jurists in this subject are many; some of them permit it with restrictions, some of them without restriction. Others prohibit it completely. And what is most correct from that is that it is allowed for a need, whether that is a specific need like releasing the prisoners or a general benefit for the Muslims. And whether or not it is allowed in this matter is dependent on the need and this should be referred to the people of knowledge and experience in every event.

And the Shariah has come to bring benefits and maximise them and to prevent harms and minimise them. And in this matter, it looks at the better between two goods and the worst among two evils, and a general benefit is given preference over a specific benefit and a greater harm is averted by a lesser harm and a small evil is endured to prevent a great evil.

And these sayings of the Imams show the permissibility of fighting alongside the original disbelievers (Kuffar Asli) and under their banner for a specific benefit of freeing the prisoners from their imprisonment. And based on this principle, and by combining the benefits and the need, one must not refrain from fighting under a nationalist or secularist banner with the aim of protecting the religion and life and the Muslim lands and to weaken the strength of the crusaders and avert their Fitna (trials and tribulations). And this is an issue that has more evidence and more benefit than fighting under the banner of the Kuffar and helping them against other Kuffar for freeing the prisoners and such"

Here ends the statement of Shaykh Sulayman bin Naasir al Ulwaan. It is beneficial and important despite its length.

And Shaykh Ali bin Khudayr al Khudayr said : "If a state attacks a state whose people are Muslims and its ruler is a Kaafir and then this Kaafir ruler declared Jihad against the attacker, then there is nothing here that prohibits Jihad with him against the attacker, like what he (the Prophet) ﷺ said: "Indeed Allah will support this religion (even) with the

wicked immoral man". So here, he fights alongside the Muslims even if the ruler was a Kaafir as long as the benefit is for the Muslims in repelling them."

Indeed as soon as the Messenger came to Madinah, he made an alliance with the Jews to take part in defending Madinah even though the Jews are Kuffar And similar to that is the Hilf ul Fudool. Indeed the Prophet participated with the Kuffar before the revelation, to support the oppressed And more explanations will be coming for this issue after a few lines, if Allah wills" (*Azzinaad Fee Sharh Lam'athul I'thiqad Li Ibn Qudama*, p.64/65)

I say: Have the extremists made the distinction as to what is the type of support (to the Kuffar) that makes one a Kaafir, and what are the other type of dealings for which they made Takfeer on the Muslims?

And after we have stated the sayings of the two Shaykhs, Al Ulwaan and Al Khudayr, we say to the one who makes Takfeer on the Islamic groups based on suspicions and the one who makes Takfeer on the Muslims with the claim that they have taken weapons from the Kuffar and the Murtadeen (apostates) in the fight against the Nusayris by claiming that they may after that fight against the Mujahideen; We say "Praise to the one who gives sustenance and understanding by a measurement, and praise be to the one who preferred some of the creation over the others and raised the scholars rooted in knowledge and made them a light to be emulated in all times!"

And if the Prophet ﷺ has informed us that from the reasons for the misguidance of the people is the death of the scholars, like in the Hadeeth which is reported in Al Bukhari and Muslim by Abdullah ibn Amr, who said: "I heard the Messenger of Allah ﷺ say "Verily, Allah does not take away knowledge by snatching it away from the people but He takes away knowledge by taking away the scholars, so that when no learned person remains, the people take the ignorant ones as their leaders. So they are asked to issue religious verdicts and they will issue them without knowledge. Thus they go astray, and lead others astray." So what about the one who turns away from the scholars and holds the view that the truth is with other than the people of knowledge and with the one who has not got the capability to make Shariah Ijtihaad (judgment regarding a matter based on the Shareeah texts) and the one who is with little knowledge and understanding?

And Shaykh Yusuf al Uyairi said in "*Al Mizaan Li Harkati Taliban*" where he responded to the extremists that are young in age and he said, may Allah have mercy upon him:

"And this is the meaning of the statement of Ibn Hajar Al Haythami in his *Fataawa al Kubra* (2/25) and look in (4/222) when he answered a question regarding the Muslims helping the Kuffar against other Kuffar. He said, "If the Muslims help one of the two groups of disbelievers in their wars and fought alongside one of them against the other without any necessity or need, until they kill or get killed in the wars, is that permissible

or not? And is the Muslim rewarded there for him killing the Kaafir or getting killed? And is he treated as a martyr by not washing him and praying upon him?

So Ibn Hajar Haythami replied and clarified that firstly, there is no harm in inciting the disbelievers against each other, because bringing about the killing of a Harbi (a disbeliever without a treaty) is permissible, rather it is something beloved, by whichever way it is brought about." Then he said, "And if a Muslim gave them aid or increased one of the groups in number and then one of the disbelievers kill him, then he is a martyr and is not washed nor prayed upon. And he will be rewarded, and what a reward if he fought for the word of Allah to be the most high!!

It has come in the book *As Sayr Al Kabeer* (4. 1422) by Imam Muhammad ibn Al Hassan As Shaybani, the student of Abu Haneefa, may Allah have mercy on them both, in a chapter by the title "Seeking help from the people of Shirk and the Mushriks seeking help from the Muslims", and he mentioned in it, "The incident of Zubayr, may Allah be pleased with him, during the time of Najashi, (this was in the Hijra of the Muslims towards Abyssinia), when his enemy attacked him (Najashi) and he (Zubayr) fought bravely alongside Najashi and thus Zubayr gained a noble position with the Najashi. So this Hadith, has been used as an evidence by those who permit the Muslims to fight alongside the Mushrikeen under their (Mushrikeen's) banner. But this has two interpretations according to us:

First : The Najashi was a Muslim during that time as has been narrated. And it was because of this that Zubayr considered it permissible to fight alongside him.

Secondly - which is our point here; it is that the Muslims at that time did not have any other refuge other than him as per what has been narrated from Umm Salamah, may Allah be pleased with her, as she said, "When we felt safe in the land of Habashah, we were in the best of lands, with the best neighbor. We were worshipping our Lord until a man emerged who challenged his authority. There was never an event that happened to us which was greater than that. We feared that that man might defeat the Najashi, and hence another man might come who does not recognise our rights, as the Najashi did." And this was his statement that "the Muslims at that time did not have any other refuge other than him". So this means that they defended their place of refuge by prayers and the participation of Zubayr because the victory of his enemy would lead to their elimination. And Allah knows best

Then he said in section (2972), and that is what we are concerned here, he said, "If the disbelievers in a state of war said to the prisoners amongst them (he means the Muslims who are imprisoned under them) - "Fight with us against our enemy who are Mushrikeen", then they should not fight with them if they do not fear for themselves because by this fighting, it will cause Shirk to dominate while the fighter is putting

himself to risk. So there is no permission for that except if it is for the purpose of strengthening the religion or to defend himself". Then he said, "And if they feared from them regarding their lives, then there is no problem in fighting them because they are now repelling the evil of getting themselves killed. And they are safe under those under whom they are (as prisoners) but they would not find safety with the other group of Mushriks in case they fall captive in their hands. So it is permissible for them to fight to defend themselves."

And then he said in issue (2973), "And if they said to them (i.e. the Mushrikeen who imprisoned the Muslims said to them), "Fight alongside us against our enemy from amongst the Mushriks otherwise we will kill you", then there is no sin in fighting for their defense because they are now repelling the evil of getting themselves killed. And fighting against those Mushrikeen is permissible for them. And there is no harm in engaging in an action that is permissible during necessity due to compulsion. And it may also be obligatory just like the eating of the dead and drinking of intoxicant."

Then he said in issue (2972), "And if they said to them, "Fight alongside us against the Muslims otherwise we will fight against you, then it is not permissible to fight against the Muslims because that is by itself an act that is prohibited for the Muslims. So it is not permissible to get engaged in it because of death threats, just like if one says to him, "Kill this Muslim otherwise I will kill you".

Then he said in issue (2977)- and this is a matter that very much concerns us- he said, "If they said to the prisoners (i.e. the Mushrikeen who imprisoned the Muslims said to them), "Fight alongside us against our enemy from amongst the other disbelievers who are in a state of war and we will release you when our war ends", and they (the Muslims) felt in them that they were truthful, then there is no sin in fighting alongside them, because they are by this freeing themselves from captivity. And this is not to be done until they fear for themselves from those Mushrikeen.

And as it is permissible for them there, it is also permissible for them here and if it is said, "How can it be permissible for them while they will by that gain power against the Muslims? Because if they defeat their enemy and become safe from their side, they will then head towards fighting against the Muslims and they may also take away from them the horses and weapons and use them to shield themselves from the Muslims?" We say, "That is an illusion. Their release from the prisons of the Mushrikeen by this fighting is known and so this matter will be given more consideration. Don't you see that if they ask the Imam of the Muslims to release them in exchange for their Mushrikeen enemies or by horses and weapons, then it is permissible for him to do that to release them from captivity even if they may use them as shields against Muslims?"

Then he said in issue (2980), "And if there is in that a harm and an evil and if they fear that they may get killed, then there is no sin in fighting along with them against the Mushrikeen if they said to them "We will release you from that" because they have a correct intention in this fight and that is warding off the evil and the harm which has afflicted them".

End of quote from *As Sayr Al Kabeer* which has been cited by the martyred Mujahid Yusuf Al Uyairi in his refutation of those who make Takfeer on the Taliban, may Allah strengthen them with victory from Him and humiliate those who turned their backs on them and spoke ill of their Jihad. (See in *Al Mizaan Li Harakati Taliban*, p. 209/211)

And after we have transmitted these sayings we remind you about the sanctity of the Muslims and their blood and to fear Allah in regards to the Muslims, since we did not come out for the sake of raising the banner of our group, or the banner of our party and our factions. And so it is upon us to fear Allah. Shaykh Al Tartoosi said in his advice to the Mujahideen:

"We are surprised from time to time by attitudes and behaviour, and disgraceful mistaken actions which are done in the name of Jihad and the Mujahideen, which result in the spilling of the blood of the innocent, and violates that which is sanctified without a right or an evidence, which has reflected negatively on the Jihad and upon the Mujahideen and on their reputation to the point that many of the people have confined Jihad and the call of Jihad to such behaviours and actions that are wrong, irresponsible and are against the Shareeah... until it became difficult for us to present the call of Jihad to the people in the pure, clear and straightforward way by which Islam brought it... without their minds having some of those mistaken views and understandings, as a result of those actions.

So it is necessary upon us to turn to give advice. And the religion is advice, to every Mujahid brother, wherever his place is and whatever be his language and nationality, who has dedicated himself sincerely for Jihad in the path of Allah, by admonishing and warning and reminding.

Know, Oh brother of Jihad, that the matter of the blood is a serious issue and that its sanctity is high. It is not allowed to spill one drop of it, except with a clear text. That is, it is not allowed to use the mind as the basis in matters of killing and of blood. And killing like Takfeer, is not allowed, except with a clear text, which cannot be differed upon and which brings certainty. And it is authentically reported from the Prophet ﷺ that he said, "Takfeer on a Muslim is like killing him" and just as Takfeer is not allowed to be implemented except with certainty, so is the same regarding killing. Allah said:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا ضَرَبْتُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا

"O you who believe! When you go (to fight) in the Cause of Allah, verify" (Surat an Nisa 4:94)

and in another recitation **"establish"**.

And he said, ﷺ in a Hadeeth which is agreed upon: "It is not permissible to spill the blood of a Muslim who testifies that there is no God except Allah and that I am the messenger of Allah except in three [instances]: the married person who commits adultery, a life for a life, and the one who forsakes his religion and separates from the community." And the Prophet ﷺ explained "separating from the community" as mentioned in the Hadeeth as apostatizing from the religion, just as in another authentic narration when he ﷺ said "It is not lawful to shed the blood of a Muslim except in one of three (cases); a man who commits adultery when he is a married person, then he should be stoned, a man who kills a soul not in retaliation for murder; and a man who apostatizes after he has accepted Islam".

And he explained "separating from the community" as apostatizing from the religion after his acceptance of Islam and this important explanation is a refutation of the interpretations of the extremists who wrongly interpret "separating from the community" as separating from their group, even if that is to another Islamic group

And in the Hadeeth there is a refutation of those who expand the limits of killing, without knowledge and proof, under the pretext of Ta'zeer punishment.³⁰ And it is authentically reported from the Prophet ﷺ that he said "Nobody should be flogged more than ten stripes except where the legal punishment for the crime is one that is assigned by Allah."

And At Tirmidhi said in his Sunan, that the people of knowledge have differed regarding the Ta'zir punishment, and the best that has been narrated in regards to Ta'zeer is this Hadeeth.

So consider! If it is not allowed for this (unspecified) Ta'zeer punishment to exceed ten lashes based on the text of the Hadeeth of the Prophet ﷺ, then how do you think that it is allowed to exceed to the point of cutting the necks and limbs and spilling the blood and violate the sanctities?

And if that has become clear to you, then know that the Muslim is inviolable for the Muslim, his blood, his wealth and his honour. And that killing the soul which Allah has forbidden with no right is amongst the greatest sins and the biggest of which brings the anger of Allah, His curse, and His severe punishment on the one who does so. Allah says

³⁰ A punishment given by the Islamic ruler for those crimes over which there is no explicit verse or Hadith stating a specific punishment for them

"And whoever kills a believer intentionally, his recompense is Hell to abide therein, and the Wrath and the Curse of Allah are upon him, and a great punishment is prepared for him."

And in the Hadeeth which is authentically reported from the Prophet ﷺ, he said "Avoid the seven grave sins". It was said "Oh Messenger of Allah, what are they?" He said "Associating anyone or anything with Allah in worship.. .; practicing sorcery, killing someone whom Allah has forbidden to except with a right."

And he, ﷺ said "A Muslim is the one from whose tongue and hands the Muslims are safe" and "The believer is the one from whom the people's lives and wealth are safe."

And as per the concept of Mafhoomul Mukhalafa (a concept in Fiqh that gives the reverse understanding of a text), the one from whom the Muslims' wealth and self are not safe, and they do not feel safe from the evil of his tongue and hand, he is neither a Muslim nor a believer.

And he peace and blessings of Allah be upon him said, "Everything belonging to a Muslim is inviolable for a Muslim, his honour, his blood and property" and he said ﷺ "Whoever takes up arms against us is not from us."

Ibn Hajr said in *Al Fath'ul Bari* 13/24 : "That means, not upon our path or not following our path, because from the rights of the Muslim on the Muslim is that he support him and he fight in his defense; not that he frighten him by taking up weapons against him, wanting to fight him or kill him ..." until he said "And what is more correct according to many of the Salaf is that the narration has been left open without any interpretation for its rebuke to have the most effect". End of quote.

And he ﷺ said, "Killing a Muslim is a greater matter in the sight Allah than the destruction of the entire world."

And he ﷺ said, "Every sin may be forgiven by Allah except a man who dies as a disbeliever or a man who kills a believer deliberately."

And he ﷺ said, "Allah refuses to accept the repentance of the one who kills a Muslim."

And he ﷺ said, "A believer continues to guard his Faith so long as he does not shed blood unjustly".

And he ﷺ said, "Whoever kills a man from among Ahl Adh-Dhimmah (non Muslims living in an Islamic state having a treaty for protection), he will not smell the fragrance of paradise, while its fragrance is found from a distance of seventy years."

And he عليه السلام said, "Whoever kills a Mu'ahad (one with a covenant) with no justification, Allah will forbid paradise for him and he will not even smell its fragrance."

I say: If this is the case for the one who kills a Dhimmi or a man who has a covenant from amongst the Kuffar, then how about the one who kills the innocent Muslims and believers who are in their homes and their markets and their workplaces?

And he عليه السلام said, "The angels curse the one who amongst you who points a piece of iron at his brother, even if he is his actual brother". And this is regarding that which is done in jest and play, so what about the one who does so in seriousness, with pistols, machine guns and bombs and other lethal weapons to terrify the Muslim believers? There is no doubt that this one is more worthy of the curse and the threat and for being deprived from the mercy of Allah. And in all of what has come from the Quranic verses and the authentic Prophetic narrations, there are lessons and admonition and a reason that makes it necessary upon everyone who carries weapons in the name of Jihad to fear Allah regarding himself and his weapon and his Ummah and whoever is around him amongst the peaceful Muslims. So it is not allowed for him in the name of Jihad to kill a poor Kaafir from the disbelievers -while it may be a matter of religious politics to avoid getting engaged with them - and kill with them the women and children and scores from the peaceful Muslims in their houses and markets. And if it is established that to kill one Muslim without right is a more serious issue in the sight of Allah than for the whole world to cease to exist, then how do you find it acceptable for yourself, while you are a Mujahid that the world all of it ceases to exist and even greater than that, by stopping a Munkar (an evil), or by killing a poor one from the Kuffar?

Until he said If you want the reward and recompense of Jihad, then know that there is no Jihad for the one who harms a single believer in his Jihad. It is authentically reported from the leader of the Mujahideen and Imaam of the messengers, Muhammad عليه السلام that he said, "Whoever harms a believer, then there is no Jihad for him" - Reported by Ahmad and others, *Saheeh Al Jamiah*: 6378

So how about you who have harmed and terrified scores and hundreds of Muslim believers, whose condition you are ignorant of, and while perhaps there may be amongst them who is much better than you, because of your reckless bombardment and within the name of your so called Jihad ...!

And he said "You wage Jihad in the path of Allah to protect the Ummah from the Kufr of the Taghut and its oppression and to protect the sanctities of the people and their rights, and to attain the objectives of the Shariah for whose sake the messengers were sent, and the prophets were sent and Jihad was legislated.....and not to violate the sanctities which are made safe and to spread terror and evil and destroy the rights of the servant..." and he said, "Leave alone the poor disbelievers who have no power or decision - and whose Kufr

and situation you are in doubt of, but rather deal with the head of Kufr and its leaders amongst the ruling and disbelieving Thaghouts ³¹, those who express hostility to and fight against Islam and the Muslims. And if you are incapable of reaching the heads of Kufr and the oppressors, then at least do not fall in that which is prohibited. And remain and be patient and besiege them and lie in wait for them at every ambush. And know that this issue is not done well except by a firm man who has lots of patience and only rests little.

So beware and be cautious of getting engaged in those matters that are doubtful to you while there are things which are clear and are not differed upon. Indeed killing and striking with the swords on the necks of the disobedient ones amongst the people of the Qiblah are from the characteristics of the Khawaarij and the extremists, the dogs of the people of the hellfire. And like how the Prophet ﷺ described them, "They kill the people of Islam and leave the polytheists."

So fear Allah oh brother of Jihad and do not harm the Jihad and the Mujahideen. And know that before you carry weapon, it is obligatory on you to know how you should carry weapons, when to lay down the weapon and when to fire the weapon and where to put the weapon and from whom to conceal the weapon. And just like how you are ordered to take the rituals from the Prophet ﷺ you are similarly commanded to take the Jihad and fighting from the Prophet ﷺ and all those rules and Fiqh that are related to it from him ﷺ without you exceeding it in anything, no matter how small or minute:

وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا

"And whatever the Messenger has given you - take; and what he has forbidden you - refrain from." (Surah Al Hashr :7)

And leave aside what has been told to you regarding the leaders of Kufr and atheism like Mao Ze Tung and Che Guevara and Castro ³² .. for they are Taghut and they will not come except with evil, may you be protected from every evil. - End of quote from Sheikh Tartousi

I say: Subhanallah, look at the sayings of the scholars, who has taken care of Jihad and did not remain neutral. They are from the Mujahideen but they say the word of truth, and did not fear the blame of anybody in the cause of Allah.

³¹ Thaghout is the term used in the Shareeah to refer to all those who reject the authority of Allah and assume a position which is the right of Allah alone. Scholars have explained Thaghout to include Shaitan, and the one who calls others to worship him or is pleased with others worshipping him, the one who claims to have know edge of the unseen and the one who rules by other than the laws of Allah and all leaders of disbelief that mislead mankind

³² These are the leaders of socialist and secularist revolutions that are based upon Kufr and disbelief in Allah

And we will give you more couplets: And this is Shaykh Abu Muhammad al Maqdisi saying:

“As for those who work on harming the Mujahideen who differ, then amongst them are the groups adopting extremism and excessiveness, who attack the people of the truth for being on the middle path. Rather they make Takfeer on them for this reason. And they may also make their blood, their wealth and their honour permissible to be violated And they provoke them and get engaged in side battles that do not have any benefit. And the one who is intelligent does not get drawn with them towards that and will not be harmed by their turmoil”.

And Shaykh Al Maqdisi said (may Allah free him and humiliate his enemies)³³:

“Warning from widespread mistakes in Takfeer:

1. Not differentiating between the general Takfeer (Takfeer al Muthlaq)³⁴ and the Takfeer of the individual (Takfeer ul Muayyan)³⁵ or Kufr of the type (Kufr an Naw’)³⁶ and Kufr of the individual (Kufr al Ayn).

2. Takfeer based on a rule which says that "The people are basically originally upon Kufr" because the land is Daar ul Kufr (land of Kufr.)³⁷

Note: As for the rule that "The original ruling on the soldiers of the Thaghut and their helpers is Kufr) then there is no mistake in this.

3. Not permitting prayer behind a Muslim whose condition is hidden, until his Aqeedah³⁸ becomes known.

4 Takfeer solely based on someone merely praising the Kuffar or making dua for some of them without considering the details.

To be noted: The mistake of some of those who are hasty and the extremists is that they make Takfeer on a Muslim just merely because of the Kuffar praising him or his manners.

³³ This book was written while Shaykh Al Maqdisi was imprisoned. At the time of the translation, he is free

³⁴ Takfeer ul Muthlaq is to make a general statement of Takfeer in regards to an action. For example, "Whoever does this is a Kaafir" or "The Raafidhi Shias are Kaafirs" without specifying the individual.

³⁵ Takfeer ul Mu'ayyan is to say about a specific person that he is a Kaafir. For eg., "Bashar Al Assad is a Kaafir"

³⁶ Kufr an Naw' is to call a specific action as Kufr. But the one who does this Kufr action may not necessarily become a Kaafir and he may be excused due to some interpretations he had.

³⁷ Daar ul Kufr is the land that is not ruled by the Shareeah

³⁸ Aqeedah refers to the essential beliefs of a Muslim as agreed upon by Ahlu Sunnah Wal Jama'ah

5. Takfeer on the one who does not give pledge (Bay'ah) to a certain leader.
- 6 Restricting the saved group to be a certain gathering, or an organization, or a party or a group from amongst the general Muslims.
- 7 Takfeer based on texts whose meanings indicate a possibility but which are not an explicit evidence for Takfeer.
8. Takfeer based on sayings or actions which show a possibility (for being made Takfeer on) without looking towards what was intended by the person who said it or did it.
9. Not differentiating between the symbols of the Kufr and what they are based upon and between its methodology and signs with which one of them alone is not enough for Takfeer.³⁹
10. Takfeer based on suspicion and doubts without verifying and without paying attention to the methods of verification mentioned in the Shareeah and charging of Kufr even if the one who is accused has turned back from it.

To be noted:

- Requirement of complete clarity is only for declaring Takfeer but not for warning against such people.
 - The widespread reports regarding an evil person can be accepted in forming an opinion regarding him.⁴⁰
11. Applying unrestrictedly the principle "whoever does not make Takfeer on a Kaafir is a Kaafir himself" without looking at the details.
 12. Takfeer based on the outcome or the implications of a statement.

³⁹ For example, wearing the clothes of the disbelievers that are specific to them is a sin but does not necessarily make the one who wears it a Kafir. However, if they wear a garment that is a symbol of their Kufr, like the wearing of a cross or anything which represents their Kufr beliefs, then the one who has worn it has fallen into Kufr. Similarly, carrying the passport of a country or being its citizen is also not a reason for Kufr. Similarly is the case with the one who holds the nationalistic flag of his country or stands in honour of it. He has committed a sin but it is not Kufr since merely standing in honour for an object is not necessarily an act of worship. It becomes worship only when it is accompanied by love, fear and hope that it will benefit him or protect him from harm when he reveres it or by praying to it as it is like in the case of idol worship.

⁴⁰ This is called Hukm bil Istifaada. Here, if a person is widely known and confirmed to be of evil and immoral character, then the widespread reports regarding some of his evil which are narrated widely by the people can be used as a basis in warning the people against him. For eg., the stories regarding the oppression and evil of Hajjaj bin Yusuf, Mukhtar, Abdulla bin Saba etc. are widespread and they do not require proofs since these people are known for their evil and oppression and the reports regarding their evil are widespread. Similarly is the case with regards to the righteousness of Umar bin Abdul Aziz etc. which also are known to the people merely because of their fame.

13. Takfeer on the one who dies upon a sin which he did not repent from.

14 Mixing during Takfeer and not distinguishing between that which is the fundamental of Imaan (Asl ul Imaan)⁴¹ or the nullifier of it (Nawaaqid ul Imaan)⁴² and that which is from the Imaan which is necessary (Imaan ul Waajib)⁴³ or that which is recommended (Imaan ul Mustahabb).⁴⁴

Five important points:

1 That Takfeer is only over a branch of apparent Aslul Imaan (basic essential Imaan as judged from the outside)⁴⁵.

2 Many of the warnings of punishment imply either a nullifier of the basic Imaan or a nullifier with regards to the Waajib (obligatory) Imaan. And it is necessary to examine this.⁴⁶

3 What the scholars mean by the statement that “It negates the completeness of Imaan” in many cases means that which negates the completeness of the Wajib (obligatory) Imaan, not that which is Mustahab (recommended).

4. The condition of Istihlaal (saying something is halal) is not stipulated for the nullifiers of the Asl (basic) Imaan during Takfeer, but rather (the condition of Istihlaal is) only for sins that negate the Waajib (obligatory) Imaan.

⁴¹ Asl ul Imaan or the basic essential Imaan refers to the minimum level of faith below which one cannot be a believer. It includes those actions which if not carried out causes the person to be outside the fold of Islam. For eg., Testifying to the truth of the Quran and the Prophet, love and submission by the heart, the obligatory prayers etc.

⁴² The nullifier of the basic essential Imaan refers to those actions which if carried out causes the person to be outside the fold of Islam. For eg., mocking the religion, praying to and seeking help from other than Allah, fighting in the path of Thaghout, objecting to the prohibitions and obligations stated by the Shareeah etc.

⁴³ Imaan ul Waajib or the obligatory Imaan is that which is above and beyond the Aslul Imaan or the basic Imaan. It refers to doing all the obligatory actions and abandonment of all what has been prohibited. However the one who disobeys in this is a sinner but not a Kaafir. And the one who has Imaan ul Waajib is of a higher level than the one with only the basic Imaan or Aslul Imaan.

⁴⁴ Imaan ul Mustahabb or the recommended Imaan is what is above and beyond Imaan ul Waajib or the obligatory Imaan. It refers to all the recommended actions which are not obligatory and abandonment of all the discouraged actions which are not sin and hence he is not a sinner if he abandons this type of Imaan. The one who has Imaan ul Mustahabb is of a higher level than the one who has Imaanul Waajib or the obligatory Imaan.

⁴⁵ It means Takfeer is made only on those sins that are Kufr in and of itself and over those actions which are necessary for one to become a believer and without which one cannot be a Muslim.

⁴⁶ For example, when the Hadeeth says, “The one who betrays us is not one of us” does not mean that he is a Kaafir but that he has exposed himself to the anger of Allah and His punishment. So not every warning which negates one’s Imaan implies Takfeer or that he is outside the fold of Islam.

5 Distinguishing between complete Imaan (Imaan ul Muthlaq)⁴⁷ and the incomplete Imaan (Muthlaq ul Imaan) and complete Tawheed (Thawheed ul Muthlaq) and the incomplete Tawheed (Muthlaq u Thawheed).⁴⁸

- Caution is to taken against the mistake of the one who refuses to acknowledge Tawheed of the Muslims other than his specific brothers or group or rejects brotherhood with them.

15 Not distinguishing between the actual Imaan and the Imaan which is judged⁴⁹; and the difference between real sincere Tawba (repentance) and the apparent Tawba which is judged.

Note - There is a difference of opinion in accepting the Tawba of the Zindeeq⁵⁰.

16. Not differentiating between the Tawalli (alliance) which is Kufr and between dealing with the Kaafir in a nice way (which is not Kufr).

17 Confusing between the Tawalli (alliance) that which is Kufr and the flattery which is haram or the flattery which is permissible.

18 Confusing between the Tawalli which is Kufr and the Taqiyya (hiding one's beliefs to save oneself from harm) which is permissible

⁴⁷ Imaan ul Muthlaq is the complete perfect Imaan that is a combination of the basic, obligatory and recommended Imaan. But Muthlaq u Imaan refers to the incomplete Imaan that is deficient due to committing sins. So when the Hadith says that the one who commits adultery or steals is not a believer during the act of adultery or stealing, then it is talking about the Imaan ul Muthlaq or the complete Imaan, meaning that he is deficient and does not have Imaan ul Muthlaq or the complete Imaan. So these type of people who commit major sins are excluded from the category of those believers regarding whom Allah says, "Allah is the supporter of the believers" (3:68), "Successful indeed are the believers" (24:1) and "The believers are only those who, when Allah is mentioned, their hearts become fearful, and when His verses are recited to them, it increases them in faith, and upon their Lord they rely" (8:2). In other words they are not from the category of believers praised in the Quran. But they are still included in those verses which refers to those having the basic Imaan such as the verse "The freeing of a believing slave" (4:92) and "If two groups of believers fight" (49:9) and the Hadith which says "A believer is not killed for a Kaafir" etc.

⁴⁸ Muthlaq u Thawheed refers to that which all the monotheist believers basically believe in including both the righteous as well as the sinners, the elite and the general public who all believe in Allah and reject worship of the Taghout or the false gods even if they may not have fulfilled its implications and obligations which are not from its essential basics like preaching this Thawheed or fighting for it. But Thawheed ul Muthlaq means the complete perfect Tawheed combined with fulfilling its implications and obligations like waging Jihad against the Taghout, having enmity to the Taghout and its allies and striving to eradicate Shirk and bringing the people out from it. Nevertheless, these are terminologies that most people are not aware of.

⁴⁹ The actual Imaan refers to the Imaan in one's heart which Allah alone knows. The Imaan which is judged is the apparent Imaan which is used as basis for treating the people in this life.

⁵⁰ A Zindeeq is a person whose has fallen into a worse and a greater type of apostasy.

19. Takfeer based on the claim that silence regarding the rulers means being pleased with their Kufr and not considering the case of weakness.

20. Generalizing the rule of Takfeer and its implications upon the wives and children of the soldiers of shirk and manmade laws or similar such Murtadeen, and not considering the case of weakness.

21. Not differentiating the implications of Takfeer between the Kaafir who has power and between the powerless one who has been subjugated.

Point of note: - There is a difference between apostasy that does not fight against Islam and between apostasy that fights against Islam.

22. Takfeer on everyone who works in a job under the disbelieving governments without examining the details.

23. Takfeer on everyone who seeks help from the Tawagheet or their helpers or goes to their courts in the absence of Islamic authority, without considering the details.⁵¹

24. Not differentiating between following the administrative systems and going to them for judgement and between seeking judgement from the Kufr legislation.

Two points:

Differentiating between criticizing the legislators of our times unrestrictedly, including those amongst them who legislate the administrative system on the one hand and those who abide by those systems out of fear or by having interpretations.

Differentiating between criticizing unrestrictedly the one who legislates laws even if it matches with the Shareeah due to them originating from the legal documents of the Thaghout in their legislation and between the one who seeks judgement from or judges by them thinking that they agree with the Shareeah.

25. Not differentiating between judging by other than what Allah has sent down and between avoiding some of the judgements of Allah sometimes in practice which is a sin.

26. Takfeer on all those who participate in elections without looking at the details.⁵²

⁵¹ Many scholars including Sheikh Abdullah Azzam (ra) permit going to non Islamic courts for gaining one's rights in case of one being deprived of it.

⁵² An example for this is the issue of democracy. Even though the fundamental principles of democracy are founded on Kufr which says that man is the sole legislator and there is none above him who can govern him, there are still many Muslims who do not know the actual foundation of democracy and they think that democracy just means the opposite of tyranny and the opposite of autocracy and monarchy. Many Muslims just consider democracy to be a system of government that gives the right for the people to choose their leaders and elect them. These people are

27. Not giving excuse of ignorance (Uzr bil Jahl) in the unclear issues and its likes.
28. Takfeer on everyone who differs with the Ijma (consensus) without looking at the details.
29. Not differentiating between the Kufr of apostasy and the Kufr of misinterpretation and saying they are the same.
30. Not differentiating between the innovations which causes one to exit the religion and other than it of sins and innovation in branches of the religion.
31. Takfeer on everyone who does not make Takfeer on the Tawaghit, claiming that he did not disbelieve in them.
32. Not differentiating between the reasons of Takfeer in speaking ill of the religion and between speaking ill of the people.
33. Takfeer on those who differ based solely on their affiliation to one of the groups of Irja⁵³.

End of quote from *At Thalaatheeniyyah* by Shaykh Abu Muhammad al Maqdisi , may Allah free him and cause grievance for his enemies (See the "Ar Risaalathu Athalaatheeniyyah Fee Thahzeer Minal Ghuluw Fee Takfeer (*Thirty principles for warning from extremism in Takfeer*)", Page 488-491)

I say: Indeed every matter which Shaykh Abu Muhammad Al Maqdisi warned against is an issue which ISIS and their helpers have fallen into. And I have discussed this with some of those who are considered to be people of knowledge amongst the supporters of ISIS and I have found that they have adopted what ISIS has adopted and I advised them to go back to *Al Thalaatheeniyyah* and to *Ju'annah al Muthayyiibeen* by Shaykh Abu Qatada al Filistini, hoping that by referring to these books of these two Shaykhs they may benefit from them or at least learn fairness from these books.

And Shaykh Al Maqdisi, may Allah free him, said in his article, *Waqafaat Ma' Thamaraat il Jihad*:

not to be called as disbelievers since some of these aspects of democracy in reality match with that of Islam and many Muslims are confused because of that. This is why we need to be cautious of falling into making a blanket Takfeer on Muslim masses or groups just because they call for democracy. The same is the case with many of those participating in elections and who are either fooled regarding the reality of democracy and are given a wrong interpretation of it by some preachers. Hence we need to classify the people who take part in democracy and elections and divide them between those who consider democracy merely to mean freedom for the people to choose their leaders and between those who believe or say that religion has no role in politics and that man can legislate and implement laws in any way he wishes even it is not from Islam. These second type of people are Kaafirs and outside the fold of Islam.

⁵³ An innovative group that denies that actions are part of Imaan.

"Oh our brothers, we remind you of the Hadeeth of the chosen one ﷺ, "Whoever from amongst my followers goes out attacking my followers, killing the righteous and the wicked of them, sparing not (even) the believers amongst them and fulfilling not his obligation towards them who have been given a pledge, is not from me." And in another narration it says "and I am not from him." - Reported in Muslim on the authority of Abu Hurayrah.

What benefit will the Mujahid gain from his Jihad if he comes under the threat of this Hadeeth and is included amongst those from whom the Messenger of Allah ﷺ has disavowed himself, and from his Jihad..... So be cautious of Allah! Be cautious of Allah with regards to the Muslims in their sanctities and their blood! Be cautious of Allah, be cautious of Allah, in Jihad and its consequences.

Do you not know that the one who digs a well in the pathway of the Muslims and their streets and then a Muslim loses his life due to it, it is obligatory on him to make an expiation and on his relatives to pay the blood money? And similar to the well is every hole or every cause of harm... as recorded by a group of jurists when they explain the Hadeeth:

"There is no *Diya* (blood money) for persons killed by animals or for the one who has been killed accidentally by falling into a well", reported by Bukhari and others. And they state that the well for which there is no blood money and no expiation on the one who dug it is that which he dug in his own land or a waste land or in the desert far from the roads of the Muslims.

And Ash Shafi said, "The one who puts a stone in land which he does not own is liable (for any compensation)"

But rather they stated that the one who pushes a riding animal in the roads of the Muslims and it changes its path and it steps on a person, then he is liable for it.

And some of them state that if he neglects the maintenance of a wall of his house and it falls upon a Muslim and kills him, then he is liable for it. And similarly the one who puts something outside the boundary of his house such as wood or similar such things and it harms a person then he is liable for it. Rather some of them have even made him to be liable who performs ablution and some of the water pours on the paths of the Muslims and a Muslim who passes by slips over it.

Verily this is the blood of the Muslims... and the issue is not a joke... It is necessary to know, oh our brothers, that the blood of the Muslim is precious and its sanctity is great and to regard as permissible the blood of the Muslims is a serious issue and abandoning killing a thousand Kuffar – as stated by the Ulaama - is better than spilling a cup of a Muslim's blood deliberately.

And the Messenger of Allah ﷺ has called out to the Ummah in the sacred land in the sacred month, on the day of the greater Hajj that "Certainly your blood and your properties are sacred to one another like the sanctity of this day of yours, in this month of yours, in this town of yours, till the day you meet your Lord. No doubt! Haven't I conveyed Allah's message?" They said, "Yes." He said, "O Allah! Be witness. So let those who are present here convey it (this information) to those who are absent because it may happen that the informed one might comprehend it (what I have said) better than the present audience who are listening. Beware! Do not renegade as disbelievers after me by striking the necks of one another." - Narrated by Bukhari.

(Refer to *Wafaqaat Ma' Thamaraat il Jihad* p 5/6)

I say: So how about the one who makes Takfeer on the Muslim who is waging Jihad in the path of Allah and regards his blood and wealth to be permissible and treats him like how he treats the Murtadeen (apostates)!? Allah is Sufficient for us, and He is the best disposer of affairs and to Allah we belong and to Him we will return.

And our final calls are that all praises belongs to Allah the lord of all that exists, and there is no aggression except against the oppressors. And peace and blessings of Allah be upon Muhammad and upon his family and his companions, all of them.

Collected and prepared by

Abu Maria Al Qahtani

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From Sham of Ribaat